

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WA.No. 1261 of 2007()

AGAINST THE JUDGEMENT IN WPC.25986/2006 Dated 10/11/2006

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APPELLANT/ PETITIONER IN W.P.(C) NO.25986/2006

K.SIVAPRASAD, S/O.KARUNAKARAN,
MANGATTETHU HOUSE, VALLIKKUNNAM VILLAGE,
MAVELIKKARA, ALAPPUZHA.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

RESPONDENTS/RESPONDENTS IN W.P.(C) NO.25986/2006

1. UNION OF INDIA, REP.BY THE SECRETARY TO
GOVERNMENT, MINISTRY OF ENVIRONMENT & FORESTS,
NEW DELHI.
2. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF FORESTS &
WILD LIFE, SECRETARIAT, THIRUVANANTHAPURAM.
3. THE CHIEF CONSERVATOR OF FORESTS,
FOREST DEPARTMENT, THIRUVANANTHAPURAM.
4. THE DISTRICT COLLECTOR, KOLLAM.
5. THE EXECUTIVE ENGINEER,
KALLADA IRRIGATION PROJECT, THENMALA DAM.
6. THE DIVISIONAL FOREST OFFICER,
THENMALA, KOLLAM.

BY ADV. SRI.P.PARAMESWARAN NAIR, ASST.SOLICITOR
BY SR.GOVERNMENT PLEADER SMT. R. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....
W.A. No. 1261 OF 2007

.....
Dated this the 25th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the judgment of the learned single Judge in W.P.(C) 25986 of 2006 dated 10th November, 2006. In the Writ Petition, the petitioner had sought for several directions. The learned single Judge has rejected the Writ Petition, since the learned single Judge was of the opinion that those directions cannot be given. That is how, the petitioner is before us in this Writ Appeal.

2. Learned counsel appearing for the appellant/petitioner is not in a position to inform us about the statutory obligation that is cast upon the respondents to entertain this application for removal of accumulated sand in the dam area . Secondly the petitioner is also not in a position to tell us, as to whether there is any right for the petitioner under the statutory provisions.

3. In the absence of a right and in the absence of corresponding obligation on the part of the respondents, the mandamus sought for, cannot be granted by this court. Keeping this aspect of the matter in

view, in our opinion, the learned single Judge has rightly rejected the Writ Petition. Therefore, no interference is called for in this Writ Appeal and it requires to be rejected. Accordingly, it is rejected.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**